



**Austin City Council
MINUTES
For**

FEBRUARY 28, 1991

MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

1. Approved Minutes for Regular Meetings of February 14 and 21, 1991 and Special Meetings of February 19 and 20, 1991

On Councilmember Nofziger's motion, Mayor Cooke's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Carl-Mitchell out of the room.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. David N. Elliott discussed current City issues.
3. Mr. Larry Binning discussed current City issues.
4. Mr. Eric Anderson discussed citizen communication and corruption at City Hall and City Manager's Office.
5. Mr. Gavino Fernandez discussed City business.
6. Ms. Helen Hill presented information on dental needs of citizens.
7. Mr. Thom Prentice discussed cuts in AIDS funding.
8. Mr. John Monroe, to discuss unfair general order policies. Did not appear.

1:30 P.M. PUBLIC IMPROVEMENT BONDS

9. Approve an Ordinance authorizing the issuance of \$140,000,000 City of Austin, Combined Utility Systems Revenue Refunding Bonds, Series 1991.

Postponed to March 7, 1991.
10. Approve a Resolution authorizing execution of a Paying Agent/Registrar Agreement with AmeriTrust Texas, N.A., Austin, Texas, and a Letter of Representation for issuance of

Book-Entry Bonds, with respect to the City's \$140,000,000 Combined Utility System Revenue Refunding Bonds, Series, 1991.

Postponed to March 7, 1991.

11. MONTHLY HOUSING STATUS REPORT

Bill Cook, Neighborhood Development Program, gave the report.

BOARD AND COMMISSION REPORTS

12. ARTS COMMISSION - Funding Guidelines

Bruce Willenzik, chairperson, and Marilyn Good reported.

13. CAPITAL METRO - Annual Report

Allen Kaplan and Tony Kouneski presented the report.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

14. Approve a Resolution adopting a policy for Trees as Infrastructure. (Councilmember Michael "Max" Nofziger)

The Council, on Councilmember Barnstone's motion, Councilmember Epstein's second, directed the City Manager to direct staff to allow for trees in future roadway projects. (5-2 Vote, Councilmember Carl-Mitchell and Nofziger voted No.)

15. Approved payment of \$50,000 in order to continue Austin's membership in the Greater Austin-San Antonio Corridor Council. (Funding in the amount of \$25,000 provided from the Water and Wastewater Utility and \$25,000 from Electric Utility Department.) [Councilmember Bob Larson]

On Councilmember Larson's motion, Mayor Cooke's second, 4-2 Vote, Councilmembers Carl-Mitchell and Nofziger voted No, Councilmember Epstein out of the room.

ORDINANCES

16. Amended the FY 1990-91 Liability Reserve Fund Operating Budget by appropriating \$48,766.67 to settle the Sierra Club, Save Barton Creek Association, Allandale Neighborhood Association, Texas Association for Public Transportation and the Koenig Lane Business Association v. Austin Transportation Study Policy Advisory Committee, the Texas State Department of Highways and Public Transportation, City of Austin and Travis County; Cause No. 404,930.

On Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 4-2 Vote, Mayor Cooke, Councilmember Barnstone voted No.

**17. Approved an amendment to the Austin City Code to modify the following Speed Zones:
11-2-100(a) 35 m.p.h.**

- Delete: Rundberg Lane from Lamar Boulevard to I.H. 35 West Service Road North
- Delete: East Rundberg Lane from I.H. 35 to Cameron Road
- Delete: West Rundberg Lane from North Lamar Boulevard (700 block) to Northgate Boulevard (1800 block).
- Add: West Rundberg Lane from Metric Boulevard to Georgian Drive.
- Add: East Rundberg Lane from Georgian Drive to Cameron/Dessau Road

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

18. Approved amending the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 11-2; Article II, Division 2, Traffic Engineer; Section 11-2-46 Item 7 and Article V. Stopping, Standing and Parking; Division 1; Section 11-2-129 as follows:

Delete: (7) To determine the location of customer service zones, commercial service zones, passenger zones, military passenger and loading zones and Mexican Consulate passenger and loading zones.

Add: (7) To determine the location of all zones regulating the stopping, standing and parking of designated vehicles as provided for in Article V of this Chapter. These type zones to include but are not limited to customer service zones, commercial service zones, passenger zones, handicapped parking zones, law enforcement zones, U.S. Government passenger and loading zones, Mexican Consulate passenger and loading zones, Emergency Room service zones, State of Texas Legislative zones and Motorcycle parking zones.

The addition of the following list to Section 11-2-129 will improve enforcement capabilities of the existing specialized parking zones:

- Add: (1) In a location designated as "Law Enforcement Zone" unless the vehicle is designated as an official law enforcement vehicle of the U.S. Government, State of Texas, Travis County, or City of Austin.
- Add: (m) In a location designated as a "Motorcycle Parking Zone" unless the motor vehicle is designated to propel itself with not more than three wheels in contact with the ground (excluding a tractor).
- Add: (n) In a location designated as a "Legislative Parking Zone" unless an official State decal, license plate or other official permit is displayed on the vehicle.

19. Approved a variance from the Right-of-Way Dedication Ordinance for the Gerald Addition, a proposed four lot residential subdivision located at 7608 FM 969, Case No. C8-90-0101.0A.

Brackenridge Hospital (Items 20-25)

20. Amended the FY 1990-91 Hospital Operating Budget by increasing revenues by \$676,000 and increasing appropriated expenditures by \$676,000. Increased revenues are composed of \$465,000 associated with the proposed physician recruitment and retention agreement and \$211,000 from current estimated revenues in excess of budget.

#17-20 on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote

RESOLUTIONS

21. Approved the negotiation and execution of physician recruitment and retention agreements which may include professional office lease and other support agreements, in an amount not to exceed \$724,000 for the current year and not to exceed \$1,814,000 and \$1,430,000 for each of the next two fiscal years. (Funding provided from Brackenridge Hospital revenue.)

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

22. Authorized the use of contractual obligations in the amount of \$3,000,000 to purchase certain equipment for Brackenridge Hospital. (Debt service requirements payable in future years by Brackenridge Hospital.)

On Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 6-1 Vote, Councilmember Epstein voted No.

23. Approved Change Order No. 3 to the Construction Contract between the City of Austin and Spaw-Glass Construction Services, Inc., San Antonio, Texas, for Brackenridge roof improvements, in the amount of \$599,534, 15.9% increase in project cost. (Funding included in C.I.P. No. 861-847-0235.)

On Mayor Pro Tem Urdy's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

24. Approved execution of a twelve (12) month contract with RADIOLOGY CONSULTANTS, INC., Austin, Texas, to provide radiology services for the Medical Assistance Program (MAP) clients at Brackenridge Hospital and Health and Human Services Department clinics, in an amount not to exceed \$407,500, including two (2) twelve (12) month renewal options in an amount not to exceed \$407,500 per extension option for a total amount not to exceed \$1,222,500. (Funding included in the FY 1990-91 Operating Budget of Health and Human Services Department.) Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

25. Approved execution of contract awards with MILCARE, San Antonio, Texas, and OFFICE PAVILION, Austin, Texas, for furnishings for the Brackenridge Hospital Emergency Room renovation in an amount not to exceed \$47,889 and \$66,734 respectively, for a total amount not to exceed \$114,623. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital.) Low bid of four (4) bids. Sole source. 0% MBE, 7.4% WBE Subcontractor Participation. Reference File No. BH1-017

On Mayor Pro Tem Urdy's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

26. Approved a Construction Contract Award to J.C. EVANS CONSTRUCTION CO. INC., Austin, Texas, to relocate a waterline for the widening of Manchaca Road, in the amount of \$156,245. (Funding included in C.I.P. No. 388-227-0919 - Water Fund.) Low bid of five (5) bids. 3.50% MBE, 1.47% WBE Subcontractor participation. Reference File No. 91-0168-2-RW

27. Approved execution of a contract with BAKER and TAYLOR COMPANY, Commerce, Georgia, for a twelve (12) month Supply Agreement for Adult and Juvenile Books in an amount not to exceed \$600,000, including the option to extend thereafter for up to two (2) additional twelve (12) month periods in an amount not to exceed \$600,000 for each extension, for a total amount not to exceed \$1,800,000. (Funding included in the 1990-91 Operating Budget of the Library Department.) Low bid of two (2) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 910118-1CM

#26-27 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

28. Approved execution of a contract with MOTOROLA COMMUNICATIONS and ELECTRONICS, INC., Austin, Texas, for the purchase of mobile and portable radio communications equipment in an amount not to exceed \$183,204. (Funding included in the 1990-91 Operating Budget for the Police Department.) Sole source. 0% M/WBE Subcontracting participation. The prime did not identify any subcontracting opportunities. Reference No. 910144-3RF

On Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote.

29. Approved execution of a contract award with ROSS LABORATORIES, Columbus, Ohio, for nutritional supplements to be used by patients on restricted diets, in an amount not to exceed \$43,973 including the option to extend thereafter for up to one (1) additional twelve (12) month period in an amount not to exceed \$43,973, for a total amount not to exceed \$87,946. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital.) Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BS0-334

30. Approved execution of a contract with CENTRIFUGE CONSULTANTS, INC., La Porte, Texas, for the repair of a centrifuge at the Davis Water Treatment Plant, in a total amount of \$39,176.27. (Funding included in the 1990-91 Operating Budget of the Water and Wastewater Department.) Sole bidder. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 910434-3LI

#29-30 On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

31. Approved execution of a contract award for a twelve (12) month service agreement with STANLEY SMITH, INC., Austin, Texas, for unarmed security guard service at Municipal Court, Health and Water and Wastewater Departments, in an amount not to exceed

\$90,188.63, with two (2) twelve (12) month extension options in an amount not to exceed \$90,188.63 per option, for a total amount not to exceed \$270,565.89. (Funding included in the following 1990-91 Operating Budgets: Municipal Court, Water and Wastewater and Health.) Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 9007

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

32. Approved execution of Supplemental Amendment No. 2 to Trinity Engineering Testing, Austin, Texas, for materials testing services related to the Austin Convention Center, in an amount not to exceed \$45,000. (The total fee is 0.3% of the \$45,000,000 hard construction costs.) (Funding included in Convention Center Bonds, C.I.P. No. 493 827 1000).
33. Authorized application for and acceptance of an Emergency Shelter Grant (ESG) in the amount of \$120,000 from the U.S. Department of Housing and Urban Development (HUD).
34. Authorized the transfer and assignment of the administration of Section 8 Housing Assistance Payment contracts on thirty-eight (38) low to moderate income housing units from the City of Austin to the Austin Housing Authority.

#32-34, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

35. Adopted an Amendment to the City of Austin's Legislative Program for the 72nd Session of the Texas Legislature to include the following item in the "seek passage of" category:
 - (a) An amendment to Chapter 281 of the Health and Safety Code to authorize the creation of a Capital Region Health Services and Financing District;
 - (b) A Constitutional Amendment authorizing the creation of Health Services Financing Districts and authorizing those districts to levy an Ad Valorem tax on property located in the district.

On Councilmember Barnstone's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

4:00 P.M. - ZONING HEARINGS AND CONSIDERATION OF ORDINANCES

ZONING DISTRICTS

Recommended As Requested, With Conditions

36. C14-90-0073 - BILL PFLUGER, TRUSTEE, by Griffin Engineering, 8700-8708 Manchaca Road, 2013-2105 Davis Lane, from "SF-6", "LO, to Tract 1: "LR", Tract 2: "MF-2", Tract 3: "SF-2". PLANNING COMMISSION RECOMMENDATION: To grant "LR" for Tract 1; "MF-2" for Tract 2 limited to "MF-1" density; "SF-1" for the West 110' and for a depth of 136' and a distance of 368' for part of Tract 3; "SF-2" for the remainder of Tract 3. A

building permit should not be issued for Tract 1 until Manchaca Road is upgraded to five lanes, undivided.

FIRST READING - On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 5-1 Vote, Councilmember Carl-Mitchell voted No, Councilmember Nofziger out of the room.

37. C14-90-0080 - MARGARET J. SCHMIDT, by Jose Guerra & Associates, 2602 and 2606 Del Curto Rd., from "SF-3" to "CS". PLANNING COMMISSION RECOMMENDATION: To grant "LO-CO", subject to (1) No access to Del Curto Rd.; (2) Limited 0.11 FAR.

ORDINANCE - On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 5-1 Vote, Councilmember Carl-Mitchell voted No, Councilmember Nofziger out of the room.

38. C14-90-0070 - ALAMO BANK OF TEXAS, by Sasser Properties, 707-715 East 1st Street, 704-716 Driskill Street, 98 IH 35 South, from "LR", "MF-4" to "GR".

ORDINANCE

Motion

Mayor Pro Tem Urdy made a motion, seconded by Mayor Cooke to close the public hearing and approve as recommended. Motion passed by a vote of 6-0 with Councilmember Nofziger out of the room.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Cooke, to reconsider. Motion passed by a vote of 7-0.

Motion

The Council, on Mayor Pro Tem Urdy's motion, Mayor Cooke's second, closed the public hearing and approved as recommended and also allow General Restaurant. (5-0 Vote, Councilmembers Epstein and Nofziger out of the room. ORDINANCE

Not Recommended, Alternate Recommendation

39. C14-90-0049 - PARMER POINT LTD., by Bury & Pittman, Inc., 12535 Mopac Expressway North, from "SF-6" to Tract 1: "GR", Tract 2: "CS". PLANNING COMMISSION RECOMMENDATION: To grant "GR" for Tract 1; "GR-CO" for Tract 1A; "SF-6" for Tract 1B; and "CS-CO" for Tract 2.

FIRST READING - On Councilmember Larson's motion, Councilmember Barnstone's second, 4-3 Vote, Mayor Cooke, Councilmember Epstein and Nofziger voted No.

Request for Six Month Extension

40. C14-89-0005 - JOHN D. BYRAM, by Strasburger & Price, Armbrust & Brown, Mopac

Expressway S. & U.S. Hwy. 290 West, from "GO" & "RR", to "GR".

APPROVED - On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 5-1 Vote, Councilmember Carl-Mitchell voted No, Councilmember Nofziger out of the room.

Not Recommended

41. C14-90-0081 - HYDROLAB CORPORATION, by Stuart Garner, 3200-3500 Oak Creek Drive, from "SF-3" to "LI", amended to "IP".

APPROVED "IP" WITH CONDITIONS - FIRST READING - On Councilmember Larson's motion, Councilmember Barnstone's second, 6-1 Vote, Councilmember Carl-Mitchell voted No.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

42. 5:00 P.M. - Approved a temporary construction and two permanent Drainage Easements (0.053 and 0.318 acres) across Walnut Creek/Colorado River Greenbelt in accordance with Section 26.001 Et Seq. of the Texas Parks and Wildlife Code.

Closed public hearing and approved, on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

43. 5:30 P.M. - (A) Approved the dedication of a temporary Electric Distribution Line Easement across a portion of Northwest Park in accordance with Section 26.001 Et. Seq. of the Texas Parks and Wildlife Code.

(B) Approved a 2.239 acre Drainage Easement and temporary construction easement through Northwest District Park in accordance with Section 26.001 Et. Seq. of the Texas Parks and Wildlife Code.

Closed public hearing and approved, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

ITEMS FROM COUNCIL

44. Confirmed the scope of services described in the Request for Qualifications (RFQ) for professional services necessary for the development of the East End Terminal Project (El Mercado). (Mayor Lee Cooke)
45. Approved establishing M/WBE goals for the East End Terminal Market (El Mercado) for 25% participation by minority and women-owned businesses with subsidiary goals of 5% participation each for Blacks, Hispanics and women within the 25% desired project goal. (Mayor Pro Tem Charles Urdy and Councilman Robert Barnstone)

#44-45 on Councilmember Barnstone's motion, Mayor Pro Tem Urdy's second, 4-1 Vote, Councilmember Nofziger voted No, Councilmembers Carl-Mitchell and Epstein out of the room.

- 46. Approved the creation of a Council subcommittee for a Youth at Risk initiative. (Mayor Lee Cooke)
- 47. Approved the continuation of the Youth at Risk Interdepartmental Task Force. (Mayor Lee Cooke)
- 48. Directed the City Manager to develop a three year Youth Action Plan. (Mayor Lee Cooke)

#46-48 on Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

- 49. Discuss/Approve an interim personnel policy changes to affect City of Austin employees who are reservists and are currently on active duty because of Operation Desert Storm. (Mayor Lee Cooke)

Legal is to look at options.

- 50. Approve a small pilot project employing the homeless to create up to twenty units of transitional housing; this project will have an employment component, a counseling component, and a roving medic component. (Funding included in CDBG Housing and Homeless allocation from Social Services Contract) [Mayor Lee Cooke]

Council discussed the pilot project and Mayor Cooke stated: "Council, what I am asking today, and I want to be empathetic to each one of your positions, is that I could get some indication of support to flush this particular project out and work with the City staff to bring back specific numbers as it relates to acquisition of a specific project and the implementation of a program whereby homeless could be incorporated into this project in such a way their skills could be used and that we would provide a place for up to twenty people to live in efficiencies, hopefully for a year or two. I realize this is a pilot project and it's not necessarily going to solve our homeless problem but I think it is an exciting kind of an idea whereby we are working on this together rather than going out, getting a contract, unilaterally renovating it and then we turn it over to people that might not have as much sweat equity and belief in the project as they would as people who had helped give themselves a boot strap and strap themselves up." Mayor Cooke asked for comments from Council and said if there were none he would assume that was tacit approval to move forward.

Mayor Pro Tem Urdy said, "There is tacit approval to move forward. I think it is a very good program. I request one thing as staff is working to develop the program and that is they look at the possibility of some elements of a training program." Mayor Cooke agreed that was a good idea and continued by saying: "I will bring this back for a very specific approval with a specific project and specific amounts that would incorporate these four points, including a fifth point which would be training. This is not exclusionary with regard to any of the homeless and it would be up to twenty units and would also include employing these homeless to help in the renovation of the project. I hope we can do that within the next thirty days."

51. Approved making a formal request to the U.S. Air Force for the consideration of joint-use of Bergstrom Air Force Base for Austin's commercial or cargo operations. (Mayor Lee Cooke) As soon as possible.

On Councilmember Epstein's motion, Mayor Cooke's second, 5-2 Vote, Mayor Pro Tem Urdy, Councilmember Carl-Mitchell voted No.

52. Approved an Ordinance amending Chapter 8-2 of the Austin City Code of 1981, relating to the sale of alcoholic beverages at locations within a certain distance from a church, public school, or public hospital. (Councilmember Smoot Carl-Mitchell)

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein abstained.

53. Approved a variance from the requirement of Section 13-5-9 of the Land Development Code to dedicate eighteen feet of additional right-of-way along Anderson Mill Road for the proposed Balcones Village Section 12-A Subdivision, located at 13376 Research Blvd. (Councilmember Smoot Carl-Mitchell)

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

54. Amended Ordinance No. 900913-D by appropriating \$51,491 from the Contingency Reserve Fund or any other appropriate fund to the 1990-91 Health and Human Services Department Social Services Program to fund two additional counselors for Project Courage. (Councilmember Smoot Carl-Mitchell)

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

55. Approved a contract amendment with Child and Family Services for two additional counselors for Project Courage in an amount not to exceed \$51,491, 110% above the original contract amount of \$46,863 for a total contract amount not to exceed \$98,354. (Councilmember Smoot Carl-Mitchell)

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

56. Adopted rules concerning the use of Channel 6 for election issues. (Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

57. Approved elimination from consideration of PARD budget reductions until such time as a Parks and Recreation Board report is submitted to Council. (Councilmember Louise Epstein)

58. Approve and support the "Help End Auto Theft" (HEAT) program and direct the City Manager to make the program available to the public. (Councilmember Louise Epstein)

457-58 On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

59. Authorized the submission of an application for Airport Improvement Program (AIP) funds to be used for the conversion of Bergstrom Air Force Base to either a joint-use facility or a new Austin Municipal Airport in the event the Department of Defense determines that the Base should close. (Councilmember Louise Epstein) As soon as possible.

On Councilmember Epstein's motion, Mayor Cooke's second, 5-2 Vote, Mayor Pro Tem Urdy and Councilmember Carl-Mitchell voted No.

60. Amended the FY 1990-91 Operating Budget by appropriating \$42,000 to fund the Child Protection Team. (Councilman Robert Barnstone)

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote,

61. Approved a Resolution asking the Department of Defense (DOD) to permit joint use for freight purposes to allow the landing of freight carriers at Bergstrom Air Force Base (BAFB). (Councilman Robert Barnstone) As soon as possible.

On Councilmember Epstein's motion, Mayor Cooke's second, 5-2 Vote, Mayor Pro Tem Urdy, Councilmember Carl-Mitchell voted No.

62. Authorized a grant conversion and release of the Community Development Block Grant loan of the Greater Montopolis Southeast Community and Economic Development Corporation subject to conditions. (Housing Subcommittee)

No action.

63. Adopted a schedule for consideration of Urban Watersheds Ordinance. (Councilmember Michael "Max" Nofziger)

March 19, 1991, City Council Worksession

March 21, 1991, City Council public hearing

On Mayor Pro Tem Urdy's motion, Councilmember Barnstone's second, 4-3 Vote, Mayor Cooke, Councilmembers Carl-Mitchell and Nofziger voted No.

64. Adopted a schedule for consideration of revisions to the Comprehensive Watershed Ordinance. (Councilmember Smoot Carl -Mitchell)

March 19, 1991, City Council worksession

June 1, 1991, Rules for interim ordinance adopted

July 2, 1991, Economic Development Commission public hearing

July 10, 1991, Environmental Board public hearing

July 17, 1991, Water/Wastewater Commission public hearing

July 23, 1991, Planning Commission public hearing

July 30, 1991, City Council worksession and presentation of data collected under interim ordinance

August 1, 1991, City Council public hearing and adoption of ordinance

On Councilmember Larson's motion, Councilmember Epstein's second, 4-3 Vote, Mayor Cooke, Councilmembers Nofziger and Carl-Mitchell voted No.

65. Adopt an amendment to the City of Austin's Legislative Program for the 72nd Session of the Texas Legislature to include the following item in the "seek passage of" category:

(A) Austin Municipal Court Records and Court Reporter: Amend the Austin Court of Record statute 1) so that the Clerk's Office does not have to keep records permanently and 2) to give the Court the option of providing an official court reporter to record the proceedings of the court or for the court to record the proceedings utilizing recording equipment and later transcribing the proceedings by an official court reporter if the case is appealed. (This amendment to be included in a Committee Substitute of H.B. 631 which was filed by Representative Wilhelmina Delco on January 29, 1991.)

(B) Adopt an amendment to the City of Austin's Legislative Program for the 72nd Session of the Texas Legislature to include the following item in the "support" category:

Failure To Furnish Evidence of Financial Responsibility: Create an offense for motorists who fail to present their insurance to police officers upon request.

Expungement: Allow justice courts of record to assess a \$10.00 fee for expungement of a case.

Administrative Adjudication: 1) Addresses the owner's responsibility of leased vehicles; 2) Allows courts to collect a filing fee for appeals of parking citations; and 3) Will not require a trial de novo for appeals of parking cases in courts of record.

Jury Fees: Authorizes justice courts to collect a \$10.00 jury fee instead of the current \$3.00 fee for defendants convicted by a jury in a trial before a justice court.

Failure to Display Driver's License: Creates an offense for motorists who fail to present a driver's license to a police officer upon request and limits the defense to prosecution.

D.P.S. Restriction for Renewing Driver's License: Requires D.P.S. not to renew driver's license for motorists who fail to appear in court or defaulted in the payment of a fine. (Legislative Subcommittee)

Pulled off Agenda

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke announced that Council would go into Executive Session, if necessary, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

66. Pending/Contemplated Litigation, Section 2, Paragraph e

- (a) Consider settlement offer in the The Sierra Club, Save Barton Creek Association, Allandale Neighborhood Association, Texas Association for Public Transportation and the Koenig Lane Business Association v. Austin Transportation Study Policy Advisory Committee, The Texas State Department of Highways and Public Transportation, City of Austin and Travis County case.
- (b) Discussion of claims associated with the Waste to Energy Plant.
- (c) Discussion of settlement in Robert C. Carr and Judy G. Carr v. City of Austin.
- (d) Barton Creek Properties, Inc. Appeal of Ordinance 9001129-I to the Texas Water Commission.
- (e) Discussion of potential litigation concerning claims against the Greater Montopolis southeast community and Economic Development Corporation.
- (f) Discussion of David Burnham v. Austin Fire Department and Equal Employment Opportunity Commission (Complaint No. 31C910103) and Texas Commission on Human Rights (Complaint No. 1910051-S).

67. Land Acquisition - Section 2, Paragraph f

- (A) Review and discussion of real property acquisition for:

- (1) U.S. Highway 183/290 Projects

- (a) Parcel 31
 - (b) Account 74

- (B) Review and discuss real estate acquisition to accommodate space needs for City departments.

ACTION ON THE FOLLOWING

68. Approved settlement offer in The Sierra Club, Save Barton Creek Association, Allandale Neighborhood Association, Texas Association for Public Transportation and the Koenig Lane Business Association v. Austin Transportation Study Policy Advisory Committee, The Texas State Department of Highways and Public Transportation, City of Austin and Travis County case.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-1 Vote, Mayor Cooke voted No, Councilmember Epstein out of the room.

69. Approved a settlement with Kone-Landel, Inc., for claims associated with the Waste to Energy Plant.

On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Epstein not present.

70. Approved the disposition of the Waste to Energy Plant.

On Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein not present.

71. Approved a settlement in Robert C. Carr and Judy G. Carr v. City of Austin.

\$930,952, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0-1 Vote, Councilmember Epstein not present, Councilmember Barnstone abstained.

72. Approved a Resolution authorizing real property acquisitions for:

(a) Parcel 31 - \$199,303

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 5-1-0 Vote, Councilmember Nofziger voted No, Councilmember Epstein not present.

73. Authorized City of Austin participation with the State of Texas in Real property acquisition for the U.S. 183/290 projects.

(a) Account 74: \$800,000

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein not present.

ADJOURN

The meeting was adjourned at 12:45 A.M., March 1, 1991.